



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98-385-E)

PATENT

In re Application of: Hauptmann et al.)
Serial No.: 09/525,998) Before the Examiner: E. O'Hara
Filed: March 15, 2000) Group Art Unit: 1646
For: TNF Receptors, TNF Binding)
Proteins and DNAs Coding For Them)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION MAILED JUNE 2, 2004

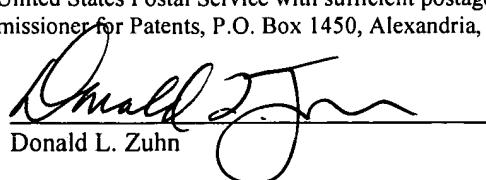
Responsive to the Office Action, mailed June 2, 2004, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks. Claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 are now pending in the instant application.

1. Rejection of claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 for obviousness-type double patenting

The Action maintains the rejection of claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 6,294,352. Applicants file herewith a Terminal Disclaimer pursuant to the provisions of 37 C.F.R. §1.321(c), and respectfully submit that

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 2, 2004.



Donald L. Zuhn

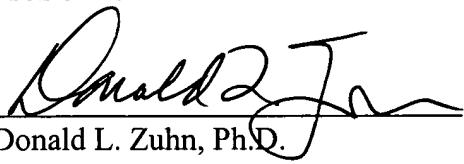
said Disclaimer overcomes the asserted ground of rejection. Withdrawal of this rejection is therefore respectfully solicited.

CONCLUSIONS

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner O'Hara believes it to be helpful, she is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

By: 
Donald L. Zuhn, Ph.D.
Reg. No. 48,710

Dated: November 2, 2004